

REPORT OF INVESTIGATION
For The City Of Fort Lauderdale
November 1, 2001

The following report is presented upon the completion of an investigation of certain employment practices of the City of Fort Lauderdale, Florida. The investigation commenced on July 10, 2001 and ended on October 5, 2001.

This report is prepared in two parts. Part I addresses an informal discrimination complaint made by Equal Opportunity Office Director, Yolanda Cowart, in a memorandum dated July 3, 2001, and delivered to City Manager, Floyd T. Johnson, on July 5, 2001. Part II of this report addresses a variety of employment practices at the City of Fort Lauderdale, not limited to anti-discrimination laws and complaints thereunder. In addition to addressing discriminatory policies and practices at the City, Part II covers claims of unprofessional and unfair treatment of employees by supervisors not predicated on race, gender, religion or national origin.

Recommendations for improvement in operational procedures, policies and structure are made following the reporting of Parts I and II, respectively.

TABLE OF CONTENTS

Foreword	3
Executive Summary	4

PART I

Yolanda Cowart Investigation	6
First Area Of Inquiry.....	11
Second Area Of Inquiry	14
Third Area Of Inquiry.....	15
The Equal Employment Office And Its Future	16
Observations Upon Conclusion Of Ms. Yolanda Cowart’s Complaint	20

PART II

Expanded Investigation.....	21
First Area Of Inquiry.....	21
Second Area Of Inquiry	25
Third Area Of Inquiry.....	28
Closing Observations	31

FOREWORD

In the year 2001, one would expect that charges of discrimination based on race, gender, religion and national origin would have subsided significantly since the passage of anti-discrimination laws in the early 1960's. In South Florida, where the population and workforce have become increasingly diverse over the past two decades, expectations for respect, sensitivity and professional conduct, for and towards co-workers, are as elementary as expecting the sun to rise in the east. Unfortunately, problems in these areas still exist today. Discrimination and unprofessional conduct in the workplace may not be as blatant as in past years; nevertheless, attitudes and insensitivity that fuel both are alive and well. They have not been completely eradicated. Moreover, today it is rare that discrimination and unprofessional conduct manifest themselves openly. Practitioners of both are usually masterful in concealing their true motives while engaging in such practices. Overt acts of discrimination and unprofessional conduct have been replaced by "Supervisor's Judgment" in making employment decisions. Decision makers often seek safe harbor in exercising inherent discretion available to them because they are decision makers.

The above observation is made to highlight that acts of discrimination and unprofessional conduct must be extracted from a myriad of diversions and explanations often used to conceal discriminatory intent. With full recognition of challenges and obstacles facing the investigation, an exerted effort was made to drill beneath the surface in search of the truth about discriminatory and unprofessional employment practices at the City of Fort Lauderdale government.

The completion of the investigation is but a starting point on the rocky road to identifying and correcting discriminatory and unprofessional practices existing in the workplace.

Henry Latimer

EXECUTIVE SUMMARY

The investigation discussed in this report resulted in the following conclusions.

The complaint of former Equal Opportunity Office Director, Yolanda Cowart, is unsubstantiated. The City of Fort Lauderdale does not promote nor condone racism in its workplace. The City Manager is sensitive to diversity issues and committed to eradicating vestiges of discriminatory employment practices throughout the workforce.

The Equal Opportunity Office (hereinafter referred to as the “EOO”) itself should continue to operate; however, its staffing should be increased to allow it to operate effectively in carrying out its intended functions, which should be expanded to investigate and resolve complaints from employees where supervisors are accused of misconduct and unprofessional behavior toward them that is not predicated on race, gender, religion or national origin. The director of the EOO should continue to report directly to the City Manager.

One of the most serious workplace problems facing the City is that its employees believe that supervisors routinely treat employees unfairly and engage in unprofessional behavior toward them on a day-to-day basis. Further, they believe that supervisors are not held accountable for such behavior. To address this issue, a Code Of Professional Conduct should be established that all employees, including supervisors, are expected to follow.

The organizational structure of the City government should be modified to create the position of a Deputy City Manager. The person in this position would carry out functions now being performed by Assistant City Managers, as well as duties assigned to him or her by the City Manager. The position of Assistant City Manager should be eliminated. Current Assistant City Managers, who serve dual roles as Assistants and as Department Heads, should devote substantially all of their time to supervisory functions inherent in their roles of Department Heads.

Supervisors at all levels should be held accountable for employment practices of subordinates within each supervisor’s line of authority. The City should also establish clear lines of authority between supervisors in various departments, and these supervisors should be prohibited from overstepping their lines of authority.

Mandatory training for supervisors should be a high priority. Such training should include videotapes, lectures, seminars and other modes dealing with diversity in the workplace and the development of interpersonal relationship skills.

Recommendations made in this report to enhance the performance of the EOO and to address unprofessional employment practices not predicated on race, gender, religion or national origin should be implemented in phases if immediate implementation is not practical.

PART I

YOLANDA COWART INVESTIGATION

Background and Assignment To The Investigator

On July 3, 2001, Ms. Yolanda Cowart prepared and delivered a memorandum to City Manager for the City of Fort Lauderdale, Floyd T. Johnson, that expressed her concerns about discriminatory practices against her and other minorities employed by the City. A copy of this July 3rd memorandum is attached to this report as Exhibit 1. After receiving the memorandum, Mr. Johnson commissioned an investigation of Ms. Cowart's charges. The assignment was offered to this investigator.

Prior to accepting the assignment, this investigator considered potential conflict of interest issues to determine if he could conduct an objective investigation. He determined that he could do so. The City Manager was then notified that the assignment was accepted on the condition that the investigator was free to conduct the investigation without influence from anyone or any source. Ms. Cowart and her counsel were given the same notice. Accordingly, the investigation commenced on July 10, 2001.

Ivett Spence-Brown and Wanda Del Toro Issues

Prior to July 3, 2001, this investigator and his law firm were retained by the City to defend it against two actions involving discrimination issues brought by two female employees, to wit: Wanda Del Toro and Ivett Spence-Brown.

Ms. Del Toro is a former City employee who worked with Yolanda Cowart in the EOO. She is a female of Hispanic origin. Her employment with the City extended from January 5, 1998 to January 4, 2000. She resigned from the City on December 29, 1999. She is represented by counsel. She filed a discrimination charge with the United States Equal Employment Opportunity Commission (the "EEOC") against the City on October 16, 2000. Her claim is currently pending in the Miami office of the EEOC.

Ms. Ivett Spence-Brown is a current City employee who works as an inspector with the Fire Department. She is represented by counsel. She is a black female of Jamaican origin. Ms. Spence-Brown filed an EEOC charge on January, 23, 1997. The Miami office of the EEOC made a "cause" determination on the charge on March 9, 2000, and the matter was referred by

the EEOC to the Civil Rights Division of the U.S. Attorney General's office sometime after March 9, 2000. On September 27, 2000, the Attorney General's office referred the matter back to the EEOC in Miami, noting that it declined to file suit on behalf of Ms. Spence-Brown. The referral transmittal provided notice to Ms. Spence-Brown of her right to sue on her claims within 90 days of the notice.

On December 22, 2000, Ms. Spence-Brown filed a discrimination lawsuit against the City in the U.S. District Court for the Southern District of Florida. In response, the City filed a motion to dismiss the complaint. The motion has not been ruled on by the Court. Discovery has only recently been initiated by both parties. The parties have agreed to pursue mediation in an effort to resolve the case without protracted and expensive litigation. Mediation is scheduled for November 7, 2001.

In light of the fact that the two matters described above are being handled by this investigator's law firm, the merits (or lack thereof) of charges made by Ms. Del Toro and Ms. Spence-Brown were specifically excluded from the investigation of Ms. Cowart's complaint. Notwithstanding his role in those two cases, this investigator is committed to ensuring that his integrity and objectivity are not compromised in pursuing the Cowart investigation.

The City Manager And EEO Director

Fort Lauderdale City Manager Floyd T. Johnson is an African American male. He was appointed City Manager in September 1998 by the City Commission of Fort Lauderdale. He answers to a five-member board of elected officials, which is known as the Fort Lauderdale City Commission.

Yolanda Cowart is an African American female. She became employed by the City of Fort Lauderdale (the "City") on April 7, 1997 as an Affirmative Action Specialist. She worked within the Personnel Department and reported directly to the Director of Administrative Services. Within the first three weeks after Mr. Johnson became City Manager, Ms. Cowart's line of authority for reporting purposes was restructured whereby she reported directly to the City Manager. On February 6, 2000, Ms. Cowart's title was changed to Equal Opportunity Office Director. From initial employment up to and including July 3, 2001, her staff varied in size from one to two employees who worked under her supervision.

Commencement Of The Yolanda Cowart Investigation

On July 13, 2001, this investigator made telephone contact with Ms. Cowart to notify her of the investigation and to request an interview with her relative to her July 3, 2001 memorandum to Mr. Johnson (*see* Exhibit 1). During that telephone meeting, Ms. Cowart stated that her memorandum of July 3, 2001 was not intended to be a complaint. She also stated that she did not want an investigation to proceed predicated on her memorandum. She was informed by this investigator that the City Manager had commissioned the investigation because it would be irresponsible of him to ignore her memorandum. Moreover, he considered her charges “serious.” Ms. Cowart stated that she needed seven to ten days to ponder whether or not she would participate in the investigation. She promised to communicate her decision to this investigator after that time.

On July 23, 2001, Ms. Cowart contacted this investigator’s office and reported the following:

- a. She was not personally familiar with the investigator (Henry Latimer); however, she had heard through sources that the investigator is a fair, impartial and objective person.
- b. Notwithstanding what she had heard about the investigator, she declined to participate in the investigation because of conflict of interests concerns mentioned above in the section titled “Ivett Spence-Brown and Wanda Del Toro Issues.”
- c. Upon advice of counsel, she would neither give an interview nor participate in the investigation of issues raised in her July 3, 2001 memorandum.

Subsequent to that July 23rd conversation, contact was made with Ms. Cowart via her counsel to encourage her to participate in the investigation, and included an invitation for her counsel to be present during the interview. The invitation was declined. As a substitute for an interview with Ms. Cowart, her counsel was requested to provide documents in their possession and names of witnesses they felt would shed light on Ms. Cowart’s charges. This request was also declined.

Given the gravity of the charges made by Ms. Cowart and the controversial publicity surrounding the EOO, with the advice and consent of the City Manager, the investigation proceeded without her participation. Accordingly, a framework was established to pursue and complete the investigation that included scheduling and conducting interviews with current and

former City employees, employees of other governmental agencies, members of the media, heads and members of community organizations, Union members, elected officials, members of law enforcement agencies, concerned citizens, local church leaders and members of their congregations, and all persons who wished to come forward to express their concerns of perceived discriminatory employment practices at the City of Fort Lauderdale. Through word of mouth, telephone calls, media notices, and a mailing to City employees, anyone having an interest in, or knowledge of, discriminatory employment practices at the City was invited to meet with the investigator to express their concerns. Confidentiality was assured to everyone. In excess of one hundred (100) interviews were conducted with eighty-eight (88) individuals. Several interviewees requested, and were given, second and third interviews.

Purpose And Scope Of The Investigation

After unsuccessful attempts to interview Ms. Cowart and her witnesses, the scope and purpose of the investigation were expanded beyond the July 3, 2001 memorandum to (1) investigate the existence and extent of alleged discriminatory practices at the City of Fort Lauderdale based on race, gender, ethnic background, religion, or other factors protected under anti-discrimination laws; (2) identify measures that should be taken to curb, resolve, and reduce the occurrence of incidents perceived to constitute misconduct under anti-discrimination laws; (3) suggest ways to ensure that such measures are carried out in a fair, equitable and expeditious manner; and (4) evaluate existing policies, practices, operations, organizational structure (including resources) of the EOO. and make recommendations for improvements where necessary.

Structure Of The Investigation

To carry out the investigation, three areas of inquiry were identified for scrutiny. The first is the allegation that the City Manager condoned interference by supervisors into the investigative process of the EOO. Second, is the allegation that supervisors intentionally interfered with investigations conducted by EOO. The third involved Ms. Cowart's allegation that she was ostracized by co-supervisors because she resisted their interference with the EOO's investigations.

As stated above, more than one hundred interviews were held in the course of this investigation. Also, documents from a variety of entities were received and studied. It is highly likely that more interviews could have been conducted if the investigation had not had an October 5, 2001 closure date. Since October 5th, several employees and interested persons have requested interviews. It should be noted that a number of employees volunteered to this investigator that they did not want to give an interview because their Union (FOP-A) requested that its members not participate in the investigation. Others communicated concerns about giving an interview because they felt supervisors at the City would learn that they had done so. In each instance, employees expressed fear of negative repercussions from FOP-A or City supervisors.

Definition Of “Supervisor”

For reporting purposes only, the designation “supervisor” will be used to describe any City employee having one or more employee(s) under his or her supervision. Again, for purposes of this report only, these supervisors will be classified at three levels. First level supervisors are those City employees who have one or more employee(s) under his or her supervision, and answer to middle level supervisors who, in turn, answer to upper level supervisors. Typically, first level supervisors are those who have authority on a day-to-day basis to initiate disciplinary proceedings, evaluate subordinates, make recommendations for promotions, and recommend approvals for transfers. Upper level supervisors are those who are two steps (or less) removed from the City Manager. Middle level supervisors are those who fall between first and upper level supervisors.

This investigator has found it necessary to define the term “supervisor” for purposes of this report because the term “manager” is somewhat illusory as it is used by numerous City employees. Identifying persons who should be considered managers depends on one’s interpretation of documents utilized by the City in carrying out its operations. Interpretations differ. Accordingly, this investigator uses the term “supervisor” to necessarily include managers, but not in a manner to allow such definition to exclude supervisory employees who may not be designated “managers” by City documents.

The diagram attached hereto as Exhibit 2 is offered as a reference for the reader to follow to clarify the term “supervisors” as it is used throughout this report. It is illustrative only, and intended to highlight the levels that supervisors occupy when they are referred to as first level, middle level, and upper level supervisors.

FIRST AREA OF INQUIRY:

Did the City Manager condone interference by supervisors into the investigative process of the EOO?

The first area of inquiry was whether or not the City Manager condoned interference by City supervisors into the investigative process of the EOO. The short answer is “no.”

On this issue, a significant majority of witnesses opined that, if Ms. Cowart experienced frustrations in carrying out her job as EOO Director, her frustrations were caused by poor employment practices of some supervisors, which were unrelated to race, gender or national origin of affected employees, or to herself. These witnesses further opined that employment practices that may have caused Ms. Cowart frustration involved incidents that occurred before Mr. Johnson became Fort Lauderdale’s City Manager, and involved actions by supervisors who are still employed as supervisors by the City.

Witness interviews and documentary materials suggest very strongly that Ms. Cowart’s frustration was exacerbated by the perception she had of her role as EOO Director. That is, that she was immune from checks and balances coming from any person or department in City government. In other words, the evidence suggested to this investigator that Ms. Cowart believed that the powers reposed in her position were without limits. Because of the way the EOO office was structured, Ms. Cowart had unbridled authority to accept or reject complaints, investigate complaints, determine the outcome of investigations relative to those complaints, impose discipline based on her determinations, and recommend disciplinary action as she determined appropriate in her sole discretion. Further, in arriving at conclusions from her investigations, she took the liberty to refer to case law, interpret legal decisions, and cite that law to support her conclusions. Obviously, Ms. Cowart is not an attorney. She is not licensed or trained to interpret legal opinions in a manner that qualifies her to apply legal precedents to facts uncovered during her investigations.

Against this backdrop, it is not unlikely that such practices by Ms. Cowart were questioned during meetings with department supervisors, and that the City Manager would have been aware of these inquiries. Interviews confirmed that such inquiries were raised. However, it does not appear to this investigator that inquiries into Ms. Cowart's investigations were motivated by racial or gender animus directed towards her. Her reactions to those inquiries apparently created tension between herself and several co-supervisors because she believed her methodology and the quality of her investigations should not be questioned by anyone, including the City Manager.

According to witnesses interviewed, tension was most pronounced and intense when discussions took place during meetings on cases triggering Union contract and discrimination issues. If an employee complained that inappropriate discipline was imposed by a supervisor, and that the questioned discipline was predicated on race, a designated department would investigate the portion of the complaint that alleged inappropriate discipline as governed by the applicable Union contract¹, while Ms. Cowart would investigate the portion of the complaint that alleged discrimination. Unfortunately, it appears that Ms. Cowart and at least one supervisor who had familiarity with Union contract issues had little or no tolerance or respect for one another. In fact, they had irreconcilable personality and philosophical differences which clashed from time to time. Those clashes were found by this investigator to have nothing to do with race or gender. Further, information obtained from witnesses on this point does not persuade this investigator that the City Manager's failure to discipline the supervisors for having and expressing differences with Ms. Cowart amounts to his condoning racism.

As a "team building" effort and an effort to elevate employee morale and cooperation among City departments, Mr. Johnson established employment practices meetings and Department Head meetings which were attended by certain levels of supervisors.² The meetings took place on a weekly basis during certain periods and less frequently at other times. Ms. Cowart attended many of the meetings. Having concluded that Ms. Cowart and some supervisors having familiarity with, and concerns about, Union matters disagreed on issues discussed at meetings, including those pertaining to EOO investigations, it is unsubstantiated that

¹ Several categories of City employees are covered under Union contracts.

² For purposes of this report, Department Head meetings and employment practice meetings will be referred to interchangeably. The investigator is concerned only with meetings attended by Ms. Cowart and other supervisors.

the disagreements between Ms. Cowart and those supervisors constituted adverse employment action caused or brought about by one against the other. Moreover, such disagreements were not predicated on race or gender by either party. As a management tool, the City Manager hoped to use the Department Head meetings to promote interaction between departments, share information and promote harmony, fairness and consistency in the disciplinary process. Attendees, including Ms. Cowart, were encouraged to engage in open and frank discussions among themselves during the meetings. At the meetings Ms. Cowart viewed some of the discussions as personal challenges regarding the quality of her work. Even though inquiries may have been well-intended, constructive observations to help improve her work, Ms. Cowart was not receptive to such inquiries.

During the City's fiscal year 1997-1998, the City Manager restructured the EOO. As a result, the EOO Director, Ms. Cowart, became a direct report to the City Manager, and, thus, had direct access to the City Manager at all times. She was reportedly viewed by the City Manager as an integral part of the team he turned to for support and input while carrying out his management functions. Persons interviewed indicated that, since being appointed, the City Manager has increased resources available to the EOO to carry out its functions. Such actions are obviously inconsistent with those of a person insensitive to promoting racial harmony in the workplace.

Summary And Conclusion Of First Area Of Inquiry

In summary, the investigation shows that disagreements took place during supervisor meetings, and that inquiries were made into the EOO's methods of investigation, but there is no evidence that convinces this investigator that these disagreements and inquiries were motivated by race or gender. The net result was that Ms. Cowart and at least one supervisor who expressed disagreement did not get along. Each let the other know how they felt. Nothing beyond such disagreements and the emotions they aroused should be read into what occurred during these meetings while the City Manager was present.

The greater weight of the evidence obtained during the investigation gives the City Manager high ratings for competency and leadership skills, including sensitivity to diversity issues. A small percentage of persons interviewed criticized the City Manager on two points. The first criticism is that he has not terminated certain supervisors who were accused of

committing discriminatory acts before he became City Manager. The second criticism is that he has been hesitant to speak out publicly to communicate positive accomplishments made at the City under his leadership. After balancing favorable evaluations against criticisms voiced by persons interviewed by this investigator, the City Manager nets a high approval rating.

No evidence was uncovered to substantiate that the City Manager condoned interference into the investigative process of the EOO. To the contrary, the City Manager provided full support to the EOO, within the parameters of City government.

SECOND AREA OF INQUIRY:

Did supervisors intentionally interfere with investigations being conducted by the EOO?

The second area of inquiry is whether or not City supervisors intentionally interfered with investigations being conducted by the EOO. A simple “yes” or “no” answer cannot be derived from information obtained during interviews. The real answer is that Ms. Cowart may have perceived that certain supervisors intentionally interfered with EOO investigations. That perception is the result of (1) the absence of guidelines and directives setting the jurisdictional boundaries of authority vested in supervisors; (2) the absence of clear guidelines setting forth how to conduct investigations of complaints filed under the applicable Union contract, and simultaneously filed with the EOO, alleging violations of anti-discrimination laws; and (3) philosophical differences between the EOO and supervisors from various departments of City government.

Ms. Cowart, who had ultimate responsibility for investigating and resolving discrimination charges under anti-discrimination laws, and supervisors who had familiarity with Union contract issues, oftentimes disagreed on how to go about investigating and resolving discrimination complaints that implicated Union contract issues. Personalities clashed from time to time when these matters were discussed during department meetings. There is no evidence to indicate that Ms. Cowart or the supervisor(s) predicated their disagreements on the race or gender of the other.

Summary And Conclusion Of Second Area Of Inquiry

Under the current structure of departments making up the government of the City of Fort Lauderdale, there is an absence of clear lines of authority of department supervisors. This absence can easily cause disagreements to be expressed between supervisors from different departments that could be interpreted as “interference” by one or the other supervisor. This is especially true if one supervisor considers his or her authority superior to the other supervisor.

With respect to Ms. Cowart’s claim that supervisors intentionally interfered with investigations being conducted by the EOO, it is unsubstantiated that disagreements which occurred from time to time, as discussed above, amount to deliberate attempts by supervisors to derail, undermine, or sabotage investigations. Moreover, such disagreements do not appear to be motivated by racial animus of Ms. Cowart or the supervisor(s). Notwithstanding this conclusion, it is imperative that policies, procedures and guidelines be developed by the City to clearly define the limits of authority vested in supervisors, and to set forth guidelines on how EOO investigations are to be conducted when Union contract issues are also involved.

THIRD AREA OF INQUIRY:

Did supervisors ostracize Ms. Cowart for resisting their efforts to interfere with investigations being conducted by the EOO?

The short answer is “no.” Except for attending periodic department meetings, rarely was there a need for Ms. Cowart and other supervisors to co-mingle or interact. This is especially true after the City Manager made Ms. Cowart, as EOO Director, a direct report to him in late 1998.

The investigation confirmed that supervisors became less and less inclined over a period of time to speak openly and frankly at department meetings for fear that their comments may be misconstrued by Ms. Cowart or provoke her. Accordingly, they avoided raising EOO issues that may involve Ms. Cowart at meetings.

Several supervisors reported that they felt it was best for them to wait for Ms. Cowart to request their input on an issue before offering it. When such requests were made, they obliged her. Supervisors remained alert and were cautious about doing or saying anything in meetings that may cause Ms. Cowart to become upset, or cause her to feel that she was being personally challenged.

Summary And Conclusion Of Third Area Of Inquiry

Supervisors did not ostracize Ms. Cowart because she resisted their efforts to interfere with investigations being conducted by the EOO. From the time scheduled department meetings were initiated, and continuing over a period of time, attendees became less and less inclined to speak openly and frankly on EOO issues for fear that their comments may provoke Ms. Cowart or be misconstrued by her. There is no evidence to indicate that the actions taken by supervisors were predicated on Ms. Cowart's race or gender.

THE EQUAL OPPORTUNITY OFFICE AND ITS FUTURE

The EOO should continue operating. However, it is in need of restructuring and upgrading. Its present structure is inadequate for carrying out its function of investigating discrimination complaints and seeking to resolve them without litigation.

Historically, the EOO is an outgrowth of a process put in place in the late 1960's and early 1970's to monitor compliance with a consent decree entered into between the City and the United States Department of Justice. This consent decree was designed to meet minority hiring and promotion goals within the City of Fort Lauderdale police and fire departments. One person, who reported to supervisors in the personnel department, was assigned to evaluate compliance with this consent decree and to perform related duties, such as preparing progress and status reports. No structure was put in place directing how investigations of incidents relative to the consent decree were to be pursued and resolved, nor was there a structure in place setting forth how claims of discrimination were to be investigated.

In 1997, Ms. Yolanda Cowart filled the position occupied by her predecessor. Her title upon hiring was Affirmative Action Specialist. She was placed in the personnel department, where she answered to the Director of Administrative Services and supervisors in that department. Still, no structure was in place directing how EOO matters were to be handled. Accordingly, Ms. Cowart was given the opportunity to build the EOO office and to develop policies and procedures governing its operations. Her proposed policies and procedures were circulated to selected supervisors throughout the City for input prior to submission to the City Commission for approval. They were approved by the Commission at various times from 1997 through 2000.

Ms. Cowart was the first employee with the EOO who had the responsibility to investigate discrimination cases under formal guidelines and procedures. She established them herself after obtaining input from selected supervisors at the City. Prior to January 1998, Ms. Cowart worked alone to handle EOO matters. After that date, she hired temporary help who remained with her until January of 2000. At best, the office was staffed by two employees, i.e., Ms. Cowart and her assistant. By July 3, 2001, the office had grown to three employees, including Ms. Cowart. Within this structure, Ms. Cowart performed the gamut of functions necessary to run an EOO. She was the intake person for complaints, the investigator, the conciliator, the fact finder, the person who determined “cause” or “no cause;” and the person who made determinations on appropriate disposition of complaints, including the imposition of discipline if, in her judgment, it was appropriate. In support of her determinations, she often cited case law and legal precedents without scrutiny or assistance from a lawyer.

The most glaring deficiency of the EOO and its procedures for operating is the absence of a checks and balances system governing the investigation process. From start to finish, no one other than the investigator, i.e., Ms. Cowart, had the opportunity to examine the quality and thoroughness of the investigation and its disposition. As indicated above, power was reposed in one person to accept or reject complaints, investigate them, prosecute them, determine their outcome, recommend sanction(s) with respect to discipline, and carry out the sanction(s). This structure, which accommodates such latitude in conducting investigations, is flawed and outdated. Where complete autonomy is reposed in one person, confidence in the process is diluted or becomes lacking. Further, integrity of the process is questioned and the ability to resolve charges in a fair, equitable and expeditious manner is inhibited.

On a going forward basis, for reasons which are stated and those which are obvious, a checks and balances system is needed to scrutinize investigations prior to their disposition.

Recommendations For Improving The EOO

As part of this investigation, numerous agencies of federal, state and local governmental bodies that perform EOO functions were consulted relative to models, policies, and procedures utilized in their operations. Consultations were also had with public companies that perform work under government contracts. After analyzing data received from those bodies and

comparing it with policies, procedures and the structure in place in Fort Lauderdale, the following recommendations are made:

1. Increase staffing of the EOO to provide for a system of checks and balances during its investigation process. At a minimum, the staff should include an intake person, two investigators, a compliance monitor³, an attorney and the director. The compliance monitor, the attorney and the director should have responsibility for critiquing and scrutinizing each level of an investigation. Additionally, their sign off and approval should be required before ultimate disposition of a complaint.

2. In addition to performing compliance monitoring and legal duties with respect to office operations, the attorney for the EOO should have primary responsibility for interfacing with the appropriate department in the City, including the City Attorney, to coordinate resolution and disposition of cases that involve issues under the applicable collective bargaining agreements (Union contracts), in addition to charges of discrimination. Such cases are known as “dual filings.”

3. Separation of authority among supervisors should be clearly defined. The EOO should have reporting responsibilities limited exclusively to the City Manager or his/her designee. The office should be insulated from outside influence in its operations by any person or source connected with City government.

4. Supervisors should become involved in EOO operations by invitation only. Otherwise, they should not inject themselves into any part of EOO operations. Supervisors who involve themselves in the process without invitation while EOO matters are being investigated should be severely sanctioned, up to and including termination.

5. The function of the EOO should be expanded to investigate complaints of unfair treatment by supervisors towards subordinates. Such investigations would not be limited to complaints of discrimination based on race, gender, religion or national origin, but would include complaints made by subordinates against supervisors whom they felt treated them unfairly.

6. An effective conciliation plan should be developed for utilization by the EOO to resolve disputes fairly, equitably and expeditiously. This program should be used only with the written consent of the complaining party.

³ This person(s) would check the thoroughness of the investigation process, at different stages, prior to disposition of the complaint.

7. The EOO should familiarize itself with applicable collective bargaining agreements in place at the City. Such familiarization will assist the office in establishing uniformity, to the extent possible, in the investigation and disposition of cases.

8. Where appropriate, recommendations should be made to discipline supervisors who violate anti-discrimination laws. In addition, in the event the City accepts the recommendation (which follows in Part II of this report) to develop a Code Of Professional Conduct applicable to all employees, the same recommendations for discipline should be made when warranted.

9. Remove training from the EOO as one of its primary responsibilities. Transfer that responsibility to the Human Resources department. Use the EOO as a resource to provide training in discrete areas upon request from the Human Resources department. Also, responsibility for overseeing minority business enterprise operations should be transferred to the Purchasing Department.

10. Encourage investigation units of various departments to work together upon request and assist each other, as long as such assistance is welcomed by the requesting supervisor.

11. Establish an effective tracking system to keep complainants advised of the status of their cases at all times.

12. The EOO should demonstrate patience and understanding to persons complaining or making inquiries to the office.

13. The EOO should always tell employees the truth about the merits of their case as early in the process as possible. Building false hopes should be avoided.

14. Confidentiality should be maintained at all times on matters being handled by EOO.

15. Risk Management should be kept apprised of all charges filed with the EOO office. The City Attorney should be kept apprised of all cases likely to lead to litigation. In both instances, confidentiality shall be maintained regarding the existence and progress of the investigation.

OBSERVATIONS UPON CONCLUSION OF INVESTIGATION
OF MS. YOLANDA COWART'S COMPLAINT

This concludes Part I of the investigation, which focused primarily on Yolanda Cowart's complaint of July 3, 2001. Even though her charges are not substantiated, such conclusion is not intended to suggest that "all is well at the City" in the area of discriminatory employment practices and its mission to eradicate such practices. Moreover, the reader is reminded that Ms. Cowart never disclosed witnesses who may have corroborated her charges. Had these witnesses been disclosed and interviewed, this investigator cannot say with certainty that the conclusion reached would be the same.

Finally, one lesson to be learned from this investigation is that there is a compelling need to restructure the EOO to enable it to carry out its intended functions. On a going forward basis, the EOO should be structured to address not only discrimination cases, but cases involving unprofessional or other misconduct by co-workers and supervisors. This City's workforce is diverse. All workers should have an avenue to seek redress against supervisors and others for engaging in unprofessional conduct towards them to the extent such conduct negatively impacts their job performance, promotional opportunities and professional growth. Making the avenue available to every worker should not be dependent upon the worker's race, religion, national origin, gender or other characteristics. Access to this avenue should be available to everyone.

PART II

EXPANDED INVESTIGATION

When the City Manager became aware that first-hand information could not be obtained from Ms. Cowart regarding her perception that discriminatory practices existed in Fort Lauderdale's City government, he authorized expansion of the investigation to search out and identify problematic employment practices so that they could be corrected. The assignment was to: (1) investigate the existence and extent of discriminatory employment practices at the City of Fort Lauderdale based on race, gender, ethnic background, religion or others factors protected under federal, state and local law; (2) evaluate existing policies, practices, operations, organizational structure, resources of the City and its departments, and make recommendations for improvements when appropriate; and (3) explore and identify appropriate measures for implementation in an effort to reduce, address and resolve claims and issues under anti-discrimination laws in a fair, equitable and expeditious manner.

FIRST AREA OF INQUIRY:

Discriminatory Employment Practices In Fort Lauderdale City Government

Publicity surrounding discriminatory practices in Fort Lauderdale City government is disproportionate to actual incidents of discrimination uncovered during this investigation. This is especially true for the period following 1998, when Mr. Floyd Johnson became City Manager. Remnants from incidents occurring before that time have lingered, thereby casting a long shadow over the City and its employment practices for the period 1998 to present. Claims made and suits filed against the City alleging discrimination are not out of line with those made and filed against comparable cities in Florida. The City should take no comfort in this observation, as it is more likely than not residents would prefer that no suits at all were filed against the City.

Accordingly, if incidents occurring before 1998 are excluded from consideration, this investigator concludes that, but for continued patterns of supervisors⁴ showing insensitivity, poor judgment and unfairness against all employees (irrespective of race, gender, religion and national origin), discrimination complaints based on race and gender have started to stabilize. It is

⁴ See page 10 for a definition of the term "supervisor" as it is used in this report.

counterproductive to focus on periods before 1998 to assess the existence and extent of discriminatory practices at the City, considering that cases on this issue have been, and continue to be, reported in the media. They also manifest themselves in lawsuits against the City. Within the past two years, several of those cases have settled without trials. One was tried and lost by the City; one was tried and won by the City. Publicity surrounding those cases has continued because several supervisors who were accused of engaging in discriminatory practices before 1998 (and, in some instances, named defendants in several lawsuits) are currently employed by the City and occupy upper level supervisory positions within the City.

The continued employment of those supervisors has been a rallying point for the opponents of Mr. Johnson and the City. These opponents, with the help of the media, have been successful in depicting Fort Lauderdale as a city that condones discriminatory practices in employment. Moreover, the same cases are reported and referred to repeatedly when examples of discrimination are mentioned in the media and by opponents of the City. Stated another way, alleged indiscretions of the past are repeatedly mentioned as if they are recent news. The instant investigation disclosed that there is a direct correlation between negative publicity initiated by Mr. Johnson's opponents and Mr. Johnson's failure to terminate certain supervisors who were accused of, and sued for, engaging in discriminatory behavior before he became City Manager.

In investigating whether discriminatory practices are as open and notorious as depicted by opponents and certain segments of the media, every lead was followed to find the source of the accusation. In addition, each alleged act of discrimination known to this investigator was placed under strict scrutiny to determine if patterns developed. Employee complaints were grouped together based on the nature of the complaint. Each complaint was analyzed within the framework of the grouping i.e., race, gender, etc.

Certain common themes were consistently repeated by the evidence in this investigation, and allow this investigator to make the following findings:

Findings

1. Minority and non-minority employees concur that the most egregious of employment practices at the City are those that allow supervisors to engage in behavior that is unfair and unprofessional without having to account to anyone for their actions and without recourse.

2. Minority and non-minority employees concur that employees have no place to go to seek recourse against supervisors who abuse them, except that minorities may complain to the EOO.

3. Minority and non-minority employees concur that they place themselves and their careers at risk by questioning unprofessional or unfair behavior of supervisors. In the employees' view, they are obligated to follow the chain of command if they have problems with co-workers, supervisors and/or conditions of employment. Following the chain of command is an effort in futility. The perception of employees is that middle level and upper level supervisors routinely approve actions taken by first level supervisors, without considering whether the questioned behavior is right or wrong. In such instances, the employee is left with his or her concerns unresolved. Moreover, he or she now feels that any chances for promotions and transfers have been jeopardized because they challenged "the system."

4. Minority and non-minority employees concur that unfair treatment and unprofessional conduct are manifested with respect to promotions, transfers, job assignments, worksite locations, counseling write-ups, and suspensions (with and without pay). They also concur that, of the three levels of supervisors, first level supervisors are the worst offenders. Further, decisions of first level supervisors impact them most since, in all likelihood, middle level and upper level supervisors will ratify decisions already made at the first level.

5. Minority and non-minority employees concur that first level and middle level supervisors operate their units as if they were totally independent from accountability to City government at any level.

6. Minority and non-minority employees concur that black supervisors treat black and white subordinates unfairly, and that white supervisors treat black and white subordinates unfairly. Unfair treatment is indiscriminate when it comes to race and gender. No employee is immune from unfair treatment--black or white, male or female.

7. Minority and non-minority employees concur that it is unfair for the City to provide a place for minority and female workers to make complaints about unfair treatment based on race and gender; and not provide a comparable place for non-minority employees to complain about unfair treatment by supervisors.

8. Minority and non-minority employees concur that several supervisors at the first, middle and upper levels of City government have committed acts of misconduct significantly

more egregious than those attributed to them, and these supervisors have gone without discipline for such misconduct.

9. Minority and non-minority employees concur that middle level and upper level supervisors routinely “rubber stamp” approval of unfair decisions made by subordinate supervisors.

10. Minority and non-minority employees concur that upper level supervisors, especially, have little or no knowledge of unprofessional behavior of their subordinate supervisors and make no effort to become aware of such behavior.

11. Minority employees, non-minority employees, first level supervisors, middle level supervisors and upper level supervisors concur that supervisors should be held to greater accountability for their actions than they are now, or have been in the past.

12. Employees at all levels, across the board, black, white, male, female, would like to see more discipline imposed on supervisors when they engage in unprofessional conduct and mistreat subordinates and contemporaries.

13. Employees at all levels, across the board, black, white, male, female, would like to have a structure in place where complaints can be made against supervisors for misconduct and unprofessional behavior towards them, irrespective of whether the complaint is predicated on bias because of race, gender, religion or national origin.

Summary And Conclusion Of First Area Of Inquiry

The above examples are illustrative, rather than exhaustive, of concerns expressed by employees during the interview process. The common thread running through each concern is the employees’ feeling that supervisors treat them unfairly and behave unprofessionally towards them. Such behavior is race and gender neutral. Employees feel they have no place to turn for redress. Minority and female employees can file charges if they believe that the complained of acts are predicated on race or gender of the aggrieved employee. Others have no recourse.

Somewhere within charges of unfairness, as discussed above, one may find legitimate claims for racial discrimination and gender bias. Outside of cases already known to the City, this investigator had neither the time nor the resources to follow up on every charge of unfair treatment to identify and determine if such treatment was violative of anti-discrimination laws. Suffice it to say that the employees generally feel that the greater, heretofore overlooked,

workplace problem at the City is misconduct and unprofessional behavior of supervisors towards them on a day-to-day basis which is responsible for increasing tension in the workplace. Such behavior is not necessarily predicated on the race, gender, religion or national origin of the affected employee.

SECOND AREA OF INQUIRY:

Evaluation Of Existing Policies, Practices, Operations, Organizational Structure And Resources Of The City, And Recommending Improvement Where Appropriate

The investigation disclosed that the City's policies, procedures, resources and organizational structure are inadequate to reduce and eliminate incidents of alleged discriminatory and/or unprofessional employment practices in its workplace.

In Part I of this report, shortcomings of the EOO and recommendations for improving its operations were identified and spelled out. The investigation under Part II disclosed that rather serious problems exist with respect to alleged misconduct of supervisors, principally among first level supervisors, although not necessarily predicated on race, gender, religion or national origin. If the City is to address these problems, modifications must be made to its existing organizational structure. In addition, policies and procedures must be developed to address employee concerns as expressed previously in this report. Finally, resources must be obtained, and programs implemented, to deal with these concerns. The need for modification, development and implementation is explained below.

Recommended Modifications Of Existing Organizational Structure Of City Government

At the present time, three Assistant City Managers report directly to the City Manager. In addition to serving as Assistant City Managers, one serves as Administrator over the Parks and Recreation Department and Department Head over the Public Services Department. The other serves as Acting Department Head over the Community And Economic Development Department. The Third Assistant City Manager also serves as Administrator of the Administrative Services Department and the Finance Department. Thus, two of the three Assistant City Managers serve in dual roles.

The Public Service and Parks And Recreation Departments combined have approximately 1,000 employees, the Community and Economic Development Department has

approximately 120 employees, and the Department of Administrative Services and Department of Finance combined have approximately 200 employees.

The Assistant City Managers are “upper level” supervisors within the definitions established for supervisors earlier in this report, and for purposes of this report only. (See Exhibit 2.) One consistent complaint coming from employees is that Department Heads have little or no idea of what goes on with first level and middle level supervisors regarding their practices in dealing with employees. Nevertheless, if actions of first and middle level supervisors are challenged, the upper level supervisor will routinely approve actions taken by subordinate supervisors, regardless of whether such actions were right or wrong, fair or unfair, professional or unprofessional. Moreover, employees feel that, once they have summoned the courage to question actions taken by supervisors, they put their careers at risk knowing that upper level supervisors will support their subordinate supervisors. The fear of being overlooked for future promotions, transfers and better assignments is real. The fear is repeated consistently by employees under this scenario.

Another consistent complaint is that upper level supervisors are not disciplined for misconduct and unprofessional employment practices. This investigation confirmed that discipline imposed on upper level supervisors is rare. The same is true of middle level and first level supervisors.

Assistant City Managers in their roles of Administrators of several departments and heads of several of the same departments, for all practical purposes, are the same supervisors who are only one or two steps removed from the City Manager. They are part of the City Manager’s team. They have dual roles and dual responsibilities to the City Manager. It is difficult to evaluate their performance in one role or the other because of the dual nature of their job assignments. It is also difficult to hold them accountable for behavior of their subordinate supervisors. Again, because they are performing two roles, performance under one role will cause performance under the other role to be compromised from time to time, depending upon job priorities.

For the City Manager to discipline his Assistant City Managers, who are also his top Administrators and two of his top Department Heads, would be the same as the City Manager disciplining himself. Consequently, the closeness of the City Manager to his Assistant City

Managers militates against disciplining either supervisor in his role as Assistant City Manager, Department Head or Administrator.

Simply put, if Administrators and Department Heads are expected to administer and run their departments, they should be free to do so without diversion and held accountable for not performing up to standards expected of them. Most assuredly, they should be held accountable for what goes on within the ranks of their subordinates, whether they are acting as Administrators or Department Heads. Their duties and lines of authority should be clearly defined. If Administrators or Department Heads engage in misconduct that is discriminatory or unprofessional in nature, they should be held accountable and properly disciplined.

Accordingly, the first and most significant modification recommended by this investigator is that the three Assistant City Manager positions be eliminated. Allow Department Heads to continue functioning as Department Heads. If necessary, divide responsibilities between the three Assistant City Managers with respect to their roles as Department Heads and their performance of administrative responsibilities. Establish strict standards for performance expectations and demand accountability.

To assist the City Manager in carrying out his or her ceremonial and administrative responsibilities, the second recommended modification is to establish the position of Deputy City Manager. A job description should be developed for this position. In addition to performing discrete responsibilities assigned to him/her by the City Manager, he/she would assume responsibilities heretofore assigned to Assistant City Managers at the discretion of the City Manager.

Development Of Policies And Procedures To Address Employee Concerns As Expressed In The “Findings” Section Of This Report

Policies and procedures should be developed to address the employee concerns described in the section titled “Findings” of this report (*see* pages 22 through 24). Such policies and procedures should include, among other things, the development of a clear line of jurisdiction and authority of supervisors within their respective departments, and relative to other departments and other supervisors. They would also include the development and implementation of a Code Of Professional Conduct which all employees will be expected to follow, including supervisors at all levels. Appropriate disciplinary procedures should be

established to discipline employees who violate the Code. As mentioned earlier in Part I of this report, the EOO office should be assigned the responsibility to investigate complaints made pursuant to the Code of Professional Conduct.

Summary And Conclusion Of Second Area Of Inquiry

Considering the City's existing policies, procedures, resources, and organizational structure are inadequate to reduce and eliminate incidents of alleged discrimination and unprofessional employment practices in the City's workplace, areas in need of improvement are identified above, including the rationale for concluding that improvements are needed in discrete areas. Recommendations for improvement which follow are incorporated within this summary and conclusion. Recommendations which follow also address the third area of inquiry; i.e., the identity of measures for implementation to reduce, address and resolve claims and issues under anti-discriminatory laws in a fair, equitable and expeditious manner.

THIRD AREA OF INQUIRY:

Explore And Identify Methods To Reduce And Eliminate Discrimination And Unprofessional Employment Practices At The City Of Fort Lauderdale

The foregoing "expanded investigation" resulted in the following recommendations:

1. Restructure the EOO as fully explained at pages 16 through 19 of this report.
2. Incorporate all recommendations for improving the EOO into the list of recommendations hereafter made as they pertain to the City, i.e., not limited to charges of discrimination based on race, gender, religion or national origin.
3. Establish a Code Of Professional Conduct for City employees.
4. Expand the services of the EOO to investigate complaints, including, but not limited to, those coming under anti-discrimination laws, and unprofessional conduct, irrespective of race, gender, national origin, and religion.
5. Establish the position of Deputy City Manager and eliminate the position of Assistant City Manager. The Deputy City Manager will report to the City Manager and carry out job responsibilities as directed by the Manager. A job description should be developed for this position.
6. Establish a uniform system for disciplining employees, including supervisors.

7. Establish a methodology to resolve complaints that involve overlapping charges, i.e., charges filed under applicable Union contracts, and are simultaneously filed with the EEO.
8. Discipline all employees, including supervisors, who attempt to influence EEO investigations.
9. Discipline all employees, including employees with supervisory and administrative responsibilities, when necessary.
10. Impose discipline in a consistent and uniform manner overall.
11. Hold supervisors accountable for actions of all employees under their supervision, including subordinate supervisors.
12. Establish an Employee Resource/Learning Center for employees to be used for professional development. The Center should focus on helping employees improve skills needed in their current or anticipated jobs, and improve their testing and interview skills.
13. Place primary responsibility for conducting and overseeing education and continuing education programs with the Human Resources Department.
14. Establish educational and training programs that are not limited to outside consultants. They should incorporate and include City resources from various departments, when appropriate.
15. Establish mandatory orientation and training programs for newly hired or promoted supervisors.
16. Establish mandatory periodic training programs for all supervisors.
17. As a part of periodic training for supervisors, include segments which will address the development of interpersonal skills for interacting with subordinates and co-workers on a day-to-day basis.
18. Develop courses that stress the importance of communicating effectively. The instruction should focus on explaining reasons for actions, following up on promises made to employees, and assuring employees that their inquiries will be answered within a reasonable period of time.
19. Reevaluate screening, promotion, transfer, and testing procedures with the goal of improving consistency and confidence in the process.
20. Evaluate the City's policy on nepotism to see if clarification is needed for employees who may not fully understand how it works.

21. Utilize the Employee Assistance Program to cover matters related to employees' on-the-job problems, as well as personal matters affecting their job performance. This program should be overseen by the Human Resources Department. Publicize the existence of this program to all employees.

22. Employees and supervisors should be told when their performance is below expectation. Opportunity should be given for improvement with assistance when needed. Work plans should be utilized to help develop an employee's performance that is seriously below expectations.

23. Evaluate all positions to determine if employees are making a positive contribution to the City. Consistent with the answer, take appropriate action within parameters of personnel policies and applicable Union contracts in place at the City.

24. Settle cases that can and should be settled early to avoid costly, uncertain and time-consuming litigation.

25. Try cases that cannot be settled within reason.

CLOSING OBSERVATIONS

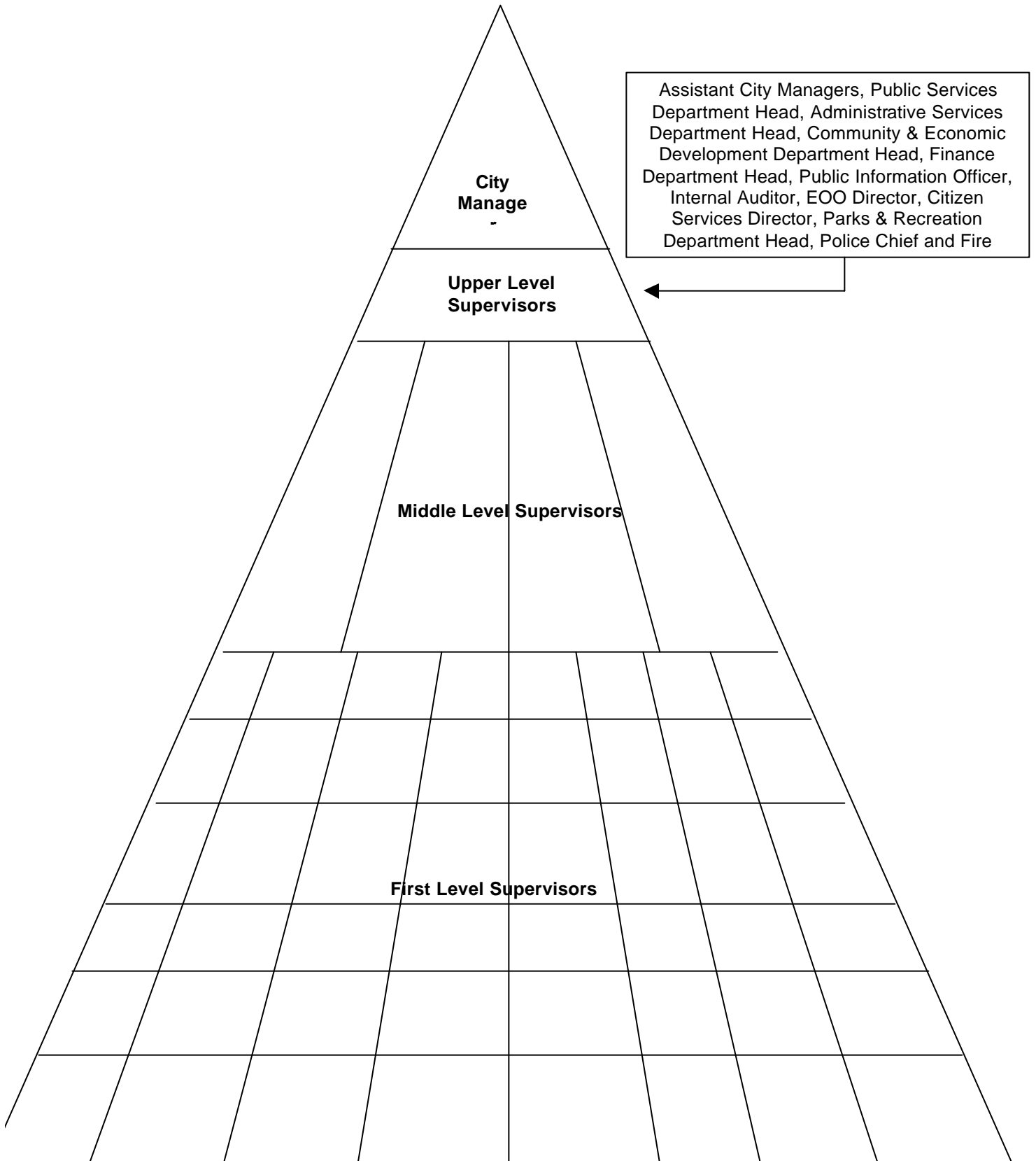
Summaries, conclusions and recommendations contained in this report result mainly from employee interviews. The consistent theme of the interviews is that first level supervisors engage in unprofessional behavior towards employees on a regular basis. Such behavior, as discussed, is race and gender neutral. Black and white supervisors are implicated. The complained of behavior goes unchecked because middle level and upper level supervisors do not take the time to become informed of what goes on in lower ranks within their lines of supervision.

Moreover, when the behavior of first level supervisors is challenged or questioned, decisions made by first level supervisors are routinely approved by middle level and upper level supervisors. Thus, employees feel that any complaint would most likely be futile. Worse, they feel that, once they have been identified as a “complainer,” their chances for promotions and transfers at the City are seriously jeopardized.

Supervisors at every level would like to see more discipline administered to all supervisors, including themselves, for unprofessional and/or discriminatory behavior. That is, more discipline should be administered than in the past. Supervisors who are charged with unprofessional behavior by employees under their supervision may very well disagree with charges made by employees, as discussed in this report. Without deciding who is right and who is wrong on such an issue, the message is clear. Employees perceive that they are mistreated on a regular basis by their supervisors. The challenge to the supervisors and to the City is to remove that perception.

The recommendations for improvements made by this investigator have been tailored to eliminate charges and incidents of real and perceived discriminatory and unprofessional employment practices affecting employees. Hopefully, they will be helpful. If the recommendations cannot be enacted at once, perhaps they can be phased into existing systems as the opportunities arise. At a minimum, the starting point has been established. The journey toward the finish line should begin.

DIAGRAM OF SUPERVISORY PERSONNEL DESIGNATIONS FOR PURPOSES OF THE INVESTIGATION



INTEROFFICE MEMORANDUM

TO: Floyd T. Johnson, City Manager

FROM: Yolanda Goodloe Cowart, Equal Opportunity Office Director

DATE: July 3, 2001

SUBJECT: Follow-up Memorandum on EEOC Affidavits

In recent months City Management has suggested that I go on record with a press release or a public statement regarding affidavits that I provided to the Equal Employment Opportunity Commission in 1999. In those affidavits, I depicted the working environment that I felt I was reduced to work in as a result of my zeal to carryout my responsibilities as the City's key staff for equal opportunity issues and complaints of discrimination in the workplace. I declined to comment publicly on the affidavits and communicated to City Management that I still shared some of the same concerns that I stated in 1999.

In as much as, you have expressed an obligation and responsibility to provide the Commission with a report and an update on the status of my assessment of my working conditions. I advised you during our last two meetings that I feel that some of those activities characterized in my affidavits are still occurring and have gone unchanged. In some cases, I believe that these incidents has escalated causing an adverse impact on my working conditions and my ability to carryout my function as the City of Fort Lauderdale's Office of Equal Opportunity Director.

During our last two meetings, I provided you with several recent incidents in which I felt ostracized or intimidated by management. Two examples of these incidents reflected some of the same concerns referenced in my early affidavits. The first was an incident that occurred during my investigation of a discrimination complaint filed by Philip Bacon and the second related to a charged of retaliation filed by Harold Wise. Both involved two of the City's Assistant City Managers.

I have taken several steps in an effort to demonstrate that I am a committed member of your management team. I value my employment with the City and want to make a positive contribution to our organization. It is my sincere hope that we can address these issues constructively and put them behind us. This is necessary in order to build stronger employment practices for the greater good of our entire workforce.

CC: Barbara McCarthy, Assistant City Attorney
Pete Witschen, Assistant City Manager
Bud Bentley, Assistant City Manager
Greg Kisela, Assistant City Manager